

EXHIBIT A

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9 IN THE CIRCUIT COURT FOR THE STATE OF OREGON
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11 FOR MULTNOMAH COUNTY

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13 **DAVID JOHNSON**
14 **CHRIS HARRIS**

15 individually and on behalf
16 of other customers,

17 Plaintiffs,

18 vs.

19 **MARRIOTT**
20 **INTERNATIONAL, INC.**

21 Defendant.
22

Case No.

CLASS ACTION
COMPLAINT

Negligent Data Breach

Not Subject to Mandatory Arbitration

Filing Fee Authority: ORS 21.135(1)

23 1.

24 **FACTUAL ALLEGATIONS**

25 In days past, hotel customers had to worry about things like unwashed towels
26 and bed bugs. In today's digital age, the primary worry of hotel customers is the
27 security of their card numbers and other sensitive personal information.
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2.

For the past four years, over 500 million customers expecting a comfortable worry-free stay at Marriott were instead exposed to one of the largest digital infestations in history. Marriott knew that its failure to protect its customers' personal information from unauthorized access would cause serious risks of unauthorized activity, fraudulent charges, credit harm, identify theft, and increased spam for years to come. Marriott has been on notice that its data systems were vulnerable to a massive breach for the past several years, in part because Marriott was already the target of a successful cyber-attack in 2015, exposing its customers' card numbers to hackers.

3.

On its website, Marriott claims to live by the #GoldenRule.¹ Marriot says it treats its customers as it would like to be treated. Marriott claims the #GoldenRule has always been its guiding principle, but this massive negligent data breach proves that Marriott has lost its way. Plaintiffs, former or current Marriott customers who were affected by its massive data breach, bring this case as part of a nationwide class action effort to allow up to \$12.5 billion in fair compensation.

¹ <http://goldenrule.marriott.com/>

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2 4.

3 Plaintiffs bring this action to ensure that Marriott and all other multibillion-
4 dollar international hotel chains understand that respecting the privacy of their
5 customers means taking all steps necessary to ensure that their personal
6 information is not accessed by unauthorized third parties.
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8 5.

9 Defendant Marriott International, Inc. (Marriott) is a \$40 billion net worth
10 publicly traded Delaware corporation with over 6,700 hotel locations worldwide, over
11 170,000 employees, and over \$20 billion in annual revenue. Marriott conducted
12 regular and sustained business in Multnomah County, Oregon and regularly took
13 reservations in Oregon from 2014 to 2018.
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16 6.

17 This complaint's allegations are based on personal knowledge as to plaintiffs'
18 own behavior and made upon information and belief as to the behavior of others.
19 Plaintiffs are among the 500 million people who made reservations at Marriott from
20 2014 to 2018 using their card numbers, names, addresses, dates of birth, email
21 addresses, phone numbers, and other personal information, and who were then
22 injured due to Marriott's negligent data breach.
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2 7.

3 Plaintiffs request Marriott provide fair compensation that will ensure every
4 customer affected by its data breach will not be out-of-pocket for the costs and harm
5 caused by unauthorized credit and debt activity, fraudulent charges, identity theft,
6 increased spam, and independent third-party credit repair and monitoring services.
7 Throughout the past four years, Marriott collected and stored personal information
8 from plaintiffs. Marriott owed a legal duty to plaintiffs to use reasonable care to
9 protect their personal information from unauthorized access by third parties.
10 Marriott knew that its failure to protect plaintiffs' personal information from
11 unauthorized access would cause serious risks of unauthorized activity, fraudulent
12 charges, credit harm, identify theft, and increased spam for years to come.
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16 8.

17 On November 30, 2018, Marriott announced for the first time that it had been
18 hacked by unauthorized third parties, subjecting plaintiffs to unauthorized activity,
19 fraudulent charges, credit harm, identify theft, and increased spam and other
20 economic damages. Marriott knew it had been hacked for several months, and failed
21 to timely notify customers of its data breach in the most expeditious manner possible
22 as the law requires. In an attempt to increase profits, Marriott negligently failed to
23 maintain adequate technological safeguards to protect plaintiffs' information from
24 unauthorized access by hackers. Hackers targeted plaintiffs' information for the sole
25 purpose of using the information to commit fraud.
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2 9.

3 Marriott knew and should have known that failure to maintain adequate
4 technological safeguards would eventually result in a massive data breach, in part
5 because its systems had been the target of a successful cyber-attack in 2015,
6 exposing its customers' card numbers to hackers. Marriott could have and should
7 have substantially increased the amount of money it spent to protect against cyber-
8 attacks but chose not to. Plaintiffs and other customers should not have to bear the
9 expense caused by Marriott's negligent failure to safeguard their card numbers and
10 personal information from cyber-attackers.
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13 10.

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15 As a direct result of Marriott's negligence as alleged in this complaint,
16 plaintiffs suffered economic damages including unauthorized credit and debt
17 activity, fraudulent charges, identity theft, increased spam, independent third-party
18 credit repair and monitoring costs, and the actual loss of card information and other
19 personal information to hackers seeking to use the information for fraudulent
20 purposes. The economic damages Marriott caused its customers could have been
21 mitigated had Marriott notified them that their information was compromised in the
22 most expeditious manner.
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11.

CAUSE OF ACTION

Negligence

As alleged in this complaint, Marriott undertook care of card numbers and other personal information belonging to plaintiffs and the putative class members, then breached its legal duty by failing to maintain adequate technological safeguards, falling below the standard of care in the technological industry, directly and proximately causing foreseeable economic damages including unauthorized credit and debt activity, fraudulent charges, identity theft, increased spam, independent third-party credit repair and monitoring costs, and the actual loss of personal information to hackers seeking to use the information for fraudulent purposes, in amounts to be decided by the jury. Marriott's failure to comply with laws requiring it to notify customers of its data breach in the most expeditious manner possible constituted negligence per se. Plaintiffs and the putative class members are entitled to a court order requiring Marriott to maintain adequate technological safeguards to avoid another massive data breach in the future, equitable relief in the form of an accounting of exactly how their card numbers and other personal information were accessed without authorization by third parties, and unless agreed upon by Marriott, an order to preserve all documents and information (and electronically stored information) pertaining to this case. This is not a request for damages.

12.

PRAYER FOR RELIEF

- A.** Injunctive and equitable relief as described in paragraph 11,
- B.** An order certifying this matter as a class action,
- C.** Reimbursement of costs, and
- D.** Other relief the Court may deem necessary.

REQUEST FOR JURY TRIAL

Plaintiffs respectfully request a trial by a jury of their peers.

November 30, 2018

RESPECTFULLY FILED,

/s/ Michael Fuller

Mark Geragos, Pro Hac Pending
Ben Meiselas, Pro Hac Pending
Lori Feldman, Pro Hac Pending
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EXHIBIT B

Case Information

18CV54883 | David Johnson, Chris Harris vs Marriott International, Inc.

| | | |
|-------------|----------------|-------------|
| Case Number | Court | |
| 18CV54883 | MUL Civil | |
| File Date | Case Type | Case Status |
| 11/30/2018 | Tort - General | Open |

Party

| | |
|----------------|-------------------|
| Plaintiff | Active Attorneys▼ |
| Johnson, David | Lead Attorney |
| | FULLER, MICHAEL |
| | Retained |

| | |
|---------------|-------------------|
| Plaintiff | Active Attorneys▼ |
| Harris, Chris | Lead Attorney |
| | FULLER, MICHAEL |
| | Retained |

| |
|------------------------------|
| Defendant |
| Marriott International, Inc. |

Events and Hearings

11/30/2018 Complaint ▼

Comment
Class Action Negligent Data Breach; NOT SUBJECT TO
MANDATORY ARBITRATION

11/30/2018 Service ▼

Requested By
Johnson, David, Harris, Chris

Financial

| | | | |
|----------------------------|------------------------|------------------------|---------------------------|
| Johnson, David | | | |
| Total Financial Assessment | | | \$265.00 |
| Total Payments and Credits | | | \$265.00 |
| 11/30/2018 | Transaction Assessment | | \$265.00 |
| 11/30/2018 | xWeb Accessed eFile | Receipt # 2018-1091995 | Johnson, David (\$265.00) |

EXHIBIT C

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

DAVID JOHNSON, CHRIS HARRIS,
individually and on behalf of other customers,

Plaintiff,

v.

MARRIOTT INTERNATIONAL, INC.,

Defendant.

Case No. 18-cv-54883

**NOTICE OF FILING OF NOTICE
OF REMOVAL**

PLEASE TAKE NOTICE that Defendant Marriott International, Inc., by its undersigned attorneys, filed a notice pursuant to 28 U.S.C. §§ 1332(d), 1441, 1446, and 1453 to remove the above-captioned action from the Circuit Court for the State of Oregon for Multnomah County, in which it is now pending, to the United States District Court for the District of Oregon.

PLEASE TAKE FURTHER NOTICE that a true and correct copy of the Notice of Removal and Certificate of Service accompanies this Notice of Filing of Notice of Removal. (*See Exhibit 1.*)

PLEASE TAKE FURTHER NOTICE THAT, pursuant to 28 U.S.C. § 1446(d), the filing of the Notice of Removal and this Notice of Filing of Notice of Removal effects the removal of this action to the United States District Court for the District of Oregon.

1 Dated: December 10, 2018

Respectfully submitted,

2
3
4 By: /s/ Curt R. Hinline
Curt R. Hinline (Oregon Bar No. 913153)
Baker Hostetler LLP
5 999 Third Ave., Suite 3600
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6 chinline@bakerlaw.com
Ph: (206) 332-1380
7 Fax: (206) 624-7317

8 *Attorney for Marriott International, Inc.*
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CERTIFICATE OF SERVICE

I, Curt R. Hineline, certify that on the 10th day of December, 2018, the foregoing **NOTICE OF FILING OF NOTICE OF REMOVAL** was served via OJD eFile, email, and first-class mail, postage prepaid, on the following:

Michael Fuller
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US Bancorp Tower
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/s/ Curt R. Hineline

Curt R. Hineline

Attorney for Marriott International, Inc.

EXHIBIT D

From: Michael Fuller <michael@underdoglawyer.com>

Sent: Monday, December 10, 2018 1:01 PM

To: Busen, Carey <cbusen@bakerlaw.com>

Cc: geragos@geragos.com; Kelly Jones <kellydonovanjones@gmail.com>; Ben Meiselas <meiselas@geragos.com>; Lori Feldman <lori@geragos.com>; Rex Daines <rdaines@olsendaines.com>; Yaneli M. Silva <ysilva@olsendaines.com>; Michelle Moreno <MMoreno@olsendaines.com>

Subject: Re: Johnson, Harris v. Marriott International, Inc., Case No. 18CV54883

No objection. Please feel free to cc: Lori and Ben directly on all correspondence moving forward.

Thanks,

Michael Fuller
Partner
OlsenDaines
503-743-7000

On Mon, Dec 10, 2018 at 9:22 AM Busen, Carey <cbusen@bakerlaw.com> wrote:

Counsel,

BakerHostetler represents Marriott International, Inc. in the above-captioned case. We intend to file a notice of removal at 5PM Eastern today. Please let me know if your clients consent to the removal of this case to the United State District Court for the District of Oregon.

Thank you,
Carey Busen

Carey S. Busen
Partner

BakerHostetler

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